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Association of REALTORS®, Amador County
Association of REALTORS®, Sutter-Yuba
Association of REALTORS®, Inc., Guide Real
Estate, Inc., Nevada County Association of
REALTORS® and Placer County Association of
REALTORS®*

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

Willsim Latham, LLC, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

v.

MetroList Services, Inc.; Sacramento Association of
Realtors, Inc.; Placer County Association of
Realtors, Inc.; El Dorado County Association of
Realtors; Lodi Association of Realtors; Yolo County
Association of Realtors; Central Valley Association
of Realtors; Amador County Association of
Realtors; Nevada County Association of Realtors,
Inc.; Sutter-Yuba Association of Realtors, Inc.;
RE/MAX Holdings, Inc.; Anywhere Real Estate
Inc.; Keller Williams Realty, Inc.; eXp World
Holdings, Inc.; Norcal Gold Inc.; Century 21 Select
Real Estate, Inc.; William L. Lyon & Associates,
Inc.; Paul M. Zagaris, Inc.; Guide Real Estate, Inc.;
and DOES 1 through 50, inclusive,

Defendants.

Case No. 2:24-cv-00244-KJM-DB

**STIPULATION AND ORDER
EXTENDING DEADLINE TO
RESPOND TO COMPLAINT**

Judge: Kimberly J. Mueller
Courtroom: 3, 15th Floor
Action Filed: January 18, 2024

1 Plaintiff Willsim Latham, LLC (“Plaintiff”) and Defendants MetroList Services, Inc.;
 2 Sacramento Association of Realtors, Inc.; Placer County Association of Realtors, Inc.; El Dorado
 3 County Association of Realtors; Lodi Association of Realtors; Yolo County Association of Realtors;
 4 Central Valley Association of Realtors; Amador County Association of Realtors; Nevada County
 5 Association of Realtors, Inc.; Sutter-Yuba Association of Realtors, Inc.; eXp World Holdings, Inc.;
 6 William L. Lyon & Associates and Guide Real Estate, Inc., (collectively, the “Undersigned
 7 Defendants”)¹ (collectively “the parties”), pursuant to Local Rules 143 and 144, stipulate as follows:

8 RECITALS

9 **WHEREAS**, Plaintiff initiated this case on January 18, 2024 (ECF No. 1) (the “Lawsuit”);

10 **WHEREAS**, all Defendants have been served with the complaint (ECF Nos. 8-23, 27, 28,
 11 33);

12 **WHEREAS**, on December 27, 2023, pursuant to 28 U.S.C. § 1407, plaintiffs in two actions
 13 pending before Judge Stephen R. Bough in the U.S. District Court for the Western District of
 14 Missouri, filed a motion with the Judicial Panel on Multidistrict Litigation (“JPML”) to transfer and
 15 consolidate certain actions that the movants allege assert similar claims related to real estate
 16 commissions. *See In re Real Estate Commission Antitrust Litig.*, MDL No. 3100 (ECF No. 1) (the
 17 “MDL Motion”);

18 **WHEREAS**, on February 21, 2024, the Court issued an Order Setting Status (Pretrial
 19 Scheduling) Conference, setting a status conference for July 11, 2024 at 2:30 p.m. (ECF No. 38);

20 **WHEREAS**, the parties previously agreed to extend all Defendants’ deadline to respond to
 21 the Plaintiff’s complaint until March 5, 2024;

22 **WHEREAS**, on February 23, 2024, the parties met and conferred regarding an extension to
 23 respond to the Plaintiff’s complaint given the pending MDL Motion;

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¹ This proposed schedule does not apply to defendants RE/MAX Holdings, Inc., Anywhere Real
 26 Estate Inc., or Keller Williams Realty, Inc., for whom the Court entered an order staying the case
 27 pending final approval of the nationwide settlements. *See* ECF No. 48. Plaintiff will file a similar
 28 unopposed motion to stay the case as to Norcal Gold Inc. and Century 21 Select Real Estate, Inc.,
 which are franchisees of Keller Williams Realty, Inc. and Anywhere Real Estate, Inc., respectively,
 and, as such, are part of the nationwide settlements.

WHEREAS, on March 12, 2024, the Court granted the Parties’ Joint Stipulation extending Defendants’ time to respond to Plaintiffs’ complaint to 14 days from the date that the JPML denies the MDL Motion (ECF No. 65);

WHEREAS, on March 15, 2024, the National Association of Realtors entered into a Settlement Agreement in a litigation pending in the U.S. District Court for the Western District of Missouri, which may resolve and/or affect the rights of the Defendants in this Lawsuit;

WHEREAS, on Friday April 12, 2024, the Judicial Panel on Multidistrict Litigation issued an Order denying the MDL Motion (and transfer of this Lawsuit) (ECF No. 134);

WHEREAS, in light of the April 12, 2024 JPML order denying the MDL Motion, the Defendants' responses to Plaintiff's complaint are due on Friday April 26, 2024;

WHEREAS, on April 22, 2024, Judge Bough entered an order granting preliminary approval of the NAR settlement;

WHEREAS, the Parties believe they would benefit from additional time to evaluate the impact, if any, of the NAR Settlement on this litigation;

WHEREAS, this stipulation will not affect the case deadlines set forth in ECF No. 38; and

WHEREAS, the parties negotiated the following stipulation on case deadlines.

STIPULATION

NOW, THEREFORE, in an effort to conserve party and judicial resources, and to allow the parties additional time to assess the impact, if any, of the NAR Settlement on this Lawsuit, the parties stipulate as follows:

1. The Defendants' time to respond to Plaintiff's complaint is extended by 60 days, or to June 25, 2024.
2. The Defendants expressly reserve their right to move to stay the Lawsuit.
3. Plaintiff reserves the right to oppose a motion to stay the Lawsuit.

1 DATED: April 24, 2024

BARTKO LLP

2 By: /s/ Patrick M. Ryan
3 Patrick M. Ryan

4 Attorneys for MetroList Services, Inc.,
5 Sacramento Association of REALTORS®, Inc., El
6 Dorado County Association of REALTORS®,
7 Yolo County Association of REALTORS®,
8 Central Valley Association of REALTORS®,
9 Amador County Association of REALTORS®,
Sutter-Yuba Association of REALTORS®, Inc.,
Guide Real Estate, Inc., Nevada County
Association of REALTORS® and Placer County
Association of REALTORS®

11 DATED: April 24, 2024

SAUL EWING LLP

12 By: /s/ Jason W. McElroy
13 Jason W. McElroy

14 Attorneys for eXp World Holdings, Inc.

16 DATED: April 24, 2024

MUNGER, TOLLES & OLSON LLP

17 By: /s/ Justin P. Raphael
18 Justin P. Raphael
19 Rebecca L. Sciarrino

20 Attorneys for the Lodi Association of Realtors

21 DATED: April 24, 2024

LAGASSE BRANCH BELL & KINKEAD

22 By: /s/ Traci S. Lagasse
23 Traci S. Lagasse
24 Jeffrey V. Ta

25 Attorneys for the Lodi Association of Realtors
26
27
28

1 DATED: April 24, 2024

STOEL RIVES LLP

2 By: /s/ Edward C. Duckers
3 Edward C. Duckers

4 Attorneys for Defendant William L. Lyons &
5 Associates

6
7 DATED: April 24, 2024

PEARSON WARSHAW, LLP

8
9 By: /s/ Jill M. Manning
10 Jill M. Manning

11 Attorneys for Plaintiff Willsim Latham, LLC
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14 **ATTESTATION OF ELECTRONIC SIGNATURE**

15 The undersigned ECF user whose identification and password are being used to file the
16 foregoing document hereby attests that all signatories herein, and on whose behalf the filing is
17 submitted, concur in the filing's content and have authorized the filing.
18

19 /s/ Patrick M. Ryan
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ORDER

In accordance with the Stipulation:

1. The Defendants' time to respond to Plaintiff's complaint is extended by 60 days, or to June 25, 2024.
2. The Defendants expressly reserve their right to move to stay the Lawsuit.
3. Plaintiff reserves the right to oppose a motion to stay the Lawsuit.

IT IS SO ORDERED.

DATED: April 29, 2024.


CHIEF UNITED STATES DISTRICT JUDGE